

July 4, 2005

Independence Day: A Time to Reaffirm Our Commitment to Freedom and Democracy

This year's celebration of our nation's 229th birthday has been an important time for us to reflect on the foresight and wisdom of our Founding Fathers in protecting our freedoms and establishing our enduring and remarkable democracy. Their accomplishments are all the more amazing as we see the difficulties other nations confront in adopting constitutions that ensure basic human rights and provide a framework for representative government.

Today we too often take for granted our hard fought ideals that form the backbone of our democracy. The freedoms of speech, religion, and the press aren't idealized abstracts in our country – they are the linchpins to a free society. And our constitutional system of checks and balances is our safeguard against tyranny.

All of us have a patriotic duty to protect these fundamental rights. Most of us learned at some point that the test of the First Amendment isn't just protecting speech we agree with; the true test is protecting speech we find offensive or different from our own views. And sometimes that's not easy.

We face that dilemma on the proposed constitutional amendment to prohibit flag desecration. Burning the American flag is deeply offensive to me and nearly every American. But when the Supreme Court considered this issue in 1990, it found that "Punishing desecration of the flag dilutes the very freedom that makes this emblem so revered, and worth revering.

The Court's decision is unpopular and majorities in both the House and Senate may approve a constitutional amendment overriding it this year. But, in my view, the Court's decision was right – it reflects both the spirit and substance of the First Amendment. Our democracy will be irreparably harmed if we ever reach the point that a majority is imposing a constitutional "political correctness" test and deciding for all other Americans what speech is lawful and permitted.

We also need to be vigilant against efforts that weaken our free press guarantees. It was recently revealed that the President Bush's chairman of the Corporation for Public Broadcasting (CPB), Kenneth Tomlinson, hired a Republican operative to monitor the content of public television and radio programming. And, on June 23, Mr. Tomlinson selected the former co-chair of the Republican National Committee, Pamela Harrison, to be CPB's new president.

These actions at CPB come on the heels of reports that federal agencies have distributed pro-Administration propaganda to commercial broadcast stations disguised as "news reports," and that they used federal funds to pay conservative commentators such as Armstrong Williams to appear on news channels to promote Administration policies. And they also follow an unprecedented era of media concentration, which has dramatically reduced the number of independent and diverse voices in journalism.

As these threats build, the Republican congressional leadership has virtually abdicated its constitutional duty to provide meaningful oversight of executive branch policies. The Republican leadership in the House and Senate has refused to conduct the necessary

investigations and hearings regarding Administration policies, including the bad intelligence and misleading statements used to justify the war in Iraq, the no-bid process and conflicts of interest in Iraq reconstruction contracts, the more than \$1 billion in contracting overcharges by Halliburton and billions more in unaccounted funds, and the abuse of detainees held in connection with US actions in Iraq and Afghanistan.

Let me help put this dismal situation into context: House Republicans spent 140 hours and millions of dollars taking witness testimony to examine whether President Clinton mishandled his Christmas card list. It has held only 5 hours of public hearings in the Committee on Armed Services to investigate detainee abuses.

Congress has the constitutional responsibility to provide oversight of the executive branch regardless of the party in power. Effective oversight helps preserve the balance of power, strengthens the integrity of our governmental institutions, uncovers possible wrongdoing, and ensures that problems can be corrected and prevented in the future.

As we celebrate our independence, let's remember that the strength of our democracy depends on the strength of our commitment to protect our rights and hold our government accountable for its decisions.